

REMARKS/ARGUMENTS

The Office has required restriction in the present application as follows:

- Group I: Claims 1-8, drawn to a polypeptide involved in intraplastid-targeting, wherein said polypeptide fused with a heterologous protein is used in a method to target said heterologous protein into chloroplast; and
- Group II: Claims 9-12, drawn to a polynucleotide encoding a chloroplast targeting polypeptide.

Applicants elect, with traverse, Group I, Claims 1-8, drawn to a polypeptide involved in intraplastid-targeting, or wherein said polypeptide fused with a heterologous protein is used in a method to target said heterologous protein into chloroplast. In addition, Applicants as an ultimate species SEQ ID NO: 4 (domain A) and SEQ ID NO. 1, fragment 49-59 (domain B), with traverse.

The Examiner has categorized invention Groups I and II as unrelated general inventive concepts under PCT Rule 13.1 because under PCT Rule 13.2 they lack the special technical feature in that the feature of Group I is a chloroplast targeting a polypeptide as defined in SEQ ID NOS. 4 and 5 and SEQ ID NOS. 1 or 3. The special technical feature of Group II is a polynucleotide encoding chloroplast targeting polypeptide.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinction between the identified groups or shown that a burden exists in searching all of the claims. Applicants note that the nucleic acid sequences of Group II are defined by their capacity to encode the polypeptides of Group I. Thus, said nucleic acid sequences and said polypeptides are clearly linked by corresponding technical features. Thus, the claims of invention Groups I and II form a single general inventive concept and the requirement of unity of invention as defined in PCT Rule 13.1 is fulfilled.

Applicants make no statement regarding the patentable distinctness of the species, but note that for a restriction to be proper there must be a patentable difference between the species as claimed (M.P.E.P. §808.01(a)).

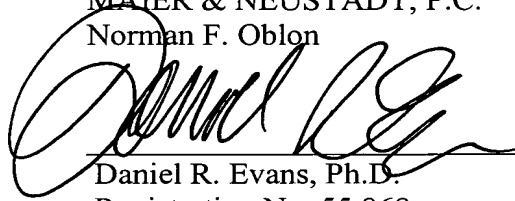
Applicants respectfully submit that should the elected species be found allowable that the Office expand its search to the nonelected species.

Accordingly and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

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